

The Honorable Robert J. Bryan

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON AT TACOMA

LAWRENCE HARTFORD, et al.,

Plaintiffs,

v.

BOB FERGUSON, et al.,

Defendants.

No. 3:23-cv-05364

DEFENDANTS JOHN HORCH AND  
TONY GOLIK'S ANSWER TO  
PLAINTIFFS' COMPLAINT

COMES NOW Defendants John Horch and Tony Golik (collectively "Clark County Defendants"), by and through their attorneys of record, in response to the allegations contained in Plaintiffs' Complaint (hereinafter referred to as "Complaint"). Except as herein expressly admitted or qualified, Clark County Defendants deny each and every allegation, statement, or charge contained in the Complaint, and deny that Plaintiffs are entitled to any of the relief requested. The paragraph numbers below correspond to the paragraph numbers in Plaintiffs' Complaint.

**I. INTRODUCTION**

1. In answering the allegations contained in Paragraph 1 of Plaintiffs' Complaint, Paragraph 1 consists of legal conclusions to which no response is required. Furthermore, the

1 constitutional provision cited in this paragraph speaks for itself and likewise requires no  
2 response. To the extent a response is required, Clark County Defendants deny.

3  
4 2. In answering the allegations in Paragraph 2 of Plaintiffs' Complaint, Paragraph 2  
5 consists of opinion and conclusory statements to which no response is required. To the extent a  
6 response is required, Clark County Defendants deny that Paragraph 2 accurately describes SHB  
7 1240 § 3. Clark County Defendants deny any different or remaining allegations.

8  
9 3. In answering the allegations contained in Paragraph 3 of Plaintiffs' Complaint,  
10 Paragraph 3 asserts opinion and conclusory statements to which no response is required. To the  
11 extent a response is required, Clark County Defendants deny.

12  
13 4. In answering the allegations contained in Paragraph 4 of Plaintiffs' Complaint,  
14 Paragraph 4 asserts legal conclusions to which no response is required. To the extent a response  
15 is required, Clark County Defendants deny.

16  
17 5. In answering the allegations contained in Paragraph 5 of Plaintiffs' Complaint,  
18 Paragraph 5 asserts legal conclusions to which no response is required. To the extent a response  
19 is required, Clark County Defendants deny.

20  
21 6. In answering the allegations contained in Paragraph 6 of Plaintiffs' Complaint, Clark  
22 County Defendants deny that they have infringed or threaten to infringe the rights of the  
23 Plaintiffs. To the extent the allegations in this paragraph pertain to another defendant who is  
24 separately represented, no response is necessary. To the extent any response is required, Clark  
25 County Defendants deny.

## 26 II. JURISDICTION AND VENUE

27  
28 7. In answering the allegations contained in Paragraph 7 of Plaintiffs' Complaint, Clark  
29 County Defendants admit this Court has subject-matter jurisdiction over Plaintiffs' claims.

9. In answering the allegations contained in Paragraph 9, Clark County Defendants admit that venue is proper.

10. In answering the allegations contained in Paragraph 10 of Plaintiffs' Complaint, Clark County Defendants deny that they have taken any steps to cause Plaintiff Doug Mitchell to fear prosecution. Clark County Defendants are without sufficient information to form a belief as to the truth or falsity of the remaining allegations contained in Paragraph 10 and, therefore, deny the same.

11. In answering the allegations contained in Paragraph 11 of Plaintiffs' Complaint, Clark County Defendants deny that they have taken any steps to cause Plaintiff Lawrence Hartford to fear prosecution. Clark County Defendants are without sufficient information to form a belief as to the truth or falsity of the remaining allegations contained in Paragraph 11 and, therefore, deny the same.

12. In answering the allegations contained in Paragraph 12 of Plaintiffs' Complaint, Clark County Defendants deny that they have taken any steps to cause Plaintiff Brett Bass to fear prosecution. Clark County Defendants are without sufficient information to form a belief as to the truth or falsity of the remaining allegations contained in Paragraph 12 and, therefore, deny the same.

13. In answering the allegations contained in Paragraph 13 of Plaintiffs' Complaint, Clark County Defendants deny that they have caused any harm to Plaintiff Sporting Systems

1 Vancouver, Inc. Clark County Defendants are without sufficient information to form a belief as  
2 to the truth or falsity of the remaining allegations contained in Paragraph 13 and, therefore, deny  
3 the same.  
4

5 14. In answering the allegations contained in Paragraph 14 of Plaintiffs' Complaint, Clark  
6 County Defendants deny that they have caused any harm to Plaintiff Second Amendment  
7 Foundation or its members, including the individual Plaintiffs. Clark County Defendants deny  
8 that Plaintiffs are challenging any policies, practices, or customs of Clark County Defendants as  
9 Plaintiffs have failed to identify such policies, practices, or customs of Clark County Defendants.  
10 Clark County Defendants are without sufficient information to form a belief as to the truth of the  
11 remaining allegations contained in Paragraph 14 and, therefore, deny the same.  
12

13 15. In answering the allegations contained in Paragraph 15 of Plaintiffs' Complaint, Clark  
14 County Defendants deny that they have caused any harm to Plaintiff Firearms Policy Coalition,  
15 Inc. or its members, including the individual Plaintiffs. Clark County Defendants deny that  
16 Plaintiffs are challenging any policies, practices, or customs of Clark County Defendants as  
17 Plaintiffs have failed to identify such policies, practices, or customs of Clark County Defendants.  
18 Clark County Defendants are without sufficient information to form a belief as to the truth or  
19 falsity of the remaining allegations contained in Paragraph 15 and, therefore, deny the same.  
20  
21

22 16. In answering the allegations contained in Paragraph 16 of Plaintiffs' Complaint, Clark  
23 County Defendants admit that the Complaint names Bob Ferguson, in his official capacity as  
24 Washington State Attorney General, as a Defendant. With regard to the remaining allegations of  
25 Paragraph 16, these allegations are directed at another defendant who is separately represented  
26 and therefore no response is required. To the extent a response is required, Clark County  
27 Defendants deny.  
28  
29

1 17. In answering the allegations contained in Paragraph 17 of Plaintiffs' Complaint,  
2 Defendants admit that the Complaint names John R. Batiste, in his official capacity as Chief of  
3 the Washington State Patrol, as a Defendant. With regard to the remaining allegations of  
4 Paragraph 17, these allegations are directed at another defendant who is separately represented  
5 and therefore no response is required. To the extent a response is required, Clark County  
6 Defendants deny.  
7

8 18. In answering the allegations contained in Paragraph 18 of Plaintiffs' Complaint,  
9 Defendants admit that the Complaint names Clayton Meyers, in his official capacity as Sheriff  
10 for Kittitas County, Washington, as a Defendant. With regard to the remaining allegations of  
11 Paragraph 18, these allegations are directed at another defendant who is separately represented  
12 and therefore no response is required. To the extent a response is required, Clark County  
13 Defendants deny.  
14

15 19. In answering the allegations contained in Paragraph 19 of Plaintiffs' Complaint, Clark  
16 County Defendants admit that the Complaint names John Horch, in his official capacity as  
17 Sheriff for Clark County, Washington, as a Defendant. The term "responsible for" is vague and  
18 ambiguous and, for that reason, Clark County Defendants cannot admit or deny the second  
19 sentence of Paragraph 19 as stated, and for that reason, deny the same. Clark County Defendants  
20 admit that Sheriff Horch has authority under RCW 36.28.010 to arrest and commit persons guilty  
21 of public offenses and the precise extent and scope of this authority is determined by case law  
22 and statute. Clark County Defendants deny the remaining allegations contained in Paragraph 19.  
23

24 20. In answering the allegations contained in Paragraph 20 of Plaintiffs' Complaint, Clark  
25 County Defendants admit that the Complaint names John Gese, in his official capacity as Sheriff  
26 for Kitsap County, Washington, as a Defendant. With regard to the remaining allegations of  
27  
28  
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1 Paragraph 20, these allegations are directed at another defendant who is separately represented  
2 and therefore no response is required. To the extent a response is required, Clark County  
3 Defendants deny.

4  
5 21. In answering the allegations contained in Paragraph 21 of Plaintiffs' Complaint, Clark  
6 County Defendants admit that the Complaint names Adam Fortney, in his official capacity as  
7 Sheriff for Snohomish County, Washington, as a Defendant. With regard to the remaining  
8 allegations of Paragraph 20, these allegations are directed at another defendant who is separately  
9 represented and therefore no response is required. To the extent a response is required, Clark  
10 County Defendants deny.

11  
12 22. In answering the allegations contained in Paragraph 22 of Plaintiffs' Complaint, Clark  
13 County Defendants admit that the Complaint names Greg Zempel, in his official capacity as  
14 County Prosecutor for Kittitas County, Washington, as a Defendant. With regard to the  
15 remaining allegations of Paragraph 22, these allegations are directed at another defendant who is  
16 separately represented and therefore no response is required. To the extent a response is required,  
17 Clark County Defendants deny.

18  
19 23. In answering the allegations contained in Paragraph 23 of Plaintiffs' Complaint, Clark  
20 County Defendants admit that the Complaint names Tony Golik, in his official capacity as  
21 County Prosecutor for Clark County, Washington, as a Defendant. Clark County Defendants  
22 admit that under RCW 36.27.020 Tony Golik has authority to prosecute criminal and civil  
23 actions in which the state or the county may be a party and the precise extent and scope of this  
24 authority is determined by case law and statute. The remaining allegations contained in  
25 Paragraph 23 set forth a legal conclusion or opinion to which no response is required. To the  
26 extent a response is required, Clark County Defendants deny.

24. In answering the allegations contained in Paragraph 24 of Plaintiffs' Complaint, Clark County Defendants admit that the Complaint names Chad M. Enright, in his official capacity as County Prosecutor for Kitsap County, Washington, as a Defendant. With regard to the remaining allegations of Paragraph 24, these allegations are directed at another defendant who is separately represented and therefore no response is required. To the extent a response is required, Clark County Defendants deny.

25. In answering the allegations contained in Paragraph 25 of Plaintiffs' Complaint, Clark County Defendants admit that the Complaint names Jason Cummings, in his official capacity as County Prosecutor for Snohomish County, Washington, as a Defendant. With regard to the remaining allegations of Paragraph 24, these allegations are directed at another defendant who is separately represented and therefore no response is required. To the extent a response is required, Clark County Defendants deny.

#### IV. FACTUAL ALLEGATIONS

##### A. Washington's Ban on Common Semiautomatic Rifles.

26. In answering the allegations contained in Paragraph 26 of Plaintiffs' Complaint, Clark County Defendants admit that Governor Jay Inslee signed Substitute House Bill 1240. Clark County Defendants admit that Substitute House Bill 1240 speaks for itself. Clark County Defendants deny any and all remaining or different allegations.

27. In answering the allegations in Paragraph 27 of Plaintiffs' Complaint, Clark County Defendants admit Substitute House Bill 1240 speaks for itself. Clark County Defendants deny any and all remaining or different allegations.

28. In answering the allegations in Paragraph 28 of Plaintiffs' Complaint, Clark County Defendants admit Substitute House Bill 1240 speaks for itself. Clark County Defendants

1 deny any and all remaining or different allegations.

2 29. In answering the allegations in Paragraph 29 of Plaintiffs' Complaint, Clark County  
3 Defendants admit Substitute House Bill 1240 speaks for itself. Clark County Defendants deny  
4 any and all remaining or different allegations.  
5

6 30. In answering the allegations in Paragraph 30 of Plaintiffs' Complaint, Clark County  
7 Defendants admit Substitute House Bill 1240 speaks for itself. Clark County Defendants deny  
8 any and all remaining or different allegations.  
9

10 31. In answering the allegations in Paragraph 31 of Plaintiffs' Complaint, Clark County  
11 Defendants admit Substitute House Bill 1240 speaks for itself. Clark County Defendants deny  
12 any and all remaining or different allegations.

13 **B. Washington Has Criminalized a Common and Important Means of Self Defense.**

14 32. In answering the allegations in Paragraph 32 of Plaintiffs' Complaint, Clark County  
15 Defendants admit Substitute House Bill 1240 speaks for itself. Clark County Defendants  
16 deny any and all remaining or different allegations.  
17

18 33. In answering the allegations in Paragraph 33 of Plaintiffs' Complaint, Clark County  
19 Defendants admit Substitute House Bill 1240 speaks for itself. Clark County Defendants deny  
20 any and all remaining or different allegations.  
21

22 34. In answering the allegations in Paragraph 34 of Plaintiffs' Complaint, Clark County  
23 Defendants admit Substitute House Bill 1240 speaks for itself. Clark County Defendants deny  
24 any and all remaining or different allegations.  
25

26 35. In answering the allegations in Paragraph 35 of Plaintiffs' Complaint, Clark County  
27 Defendants are without sufficient information to form a belief as to the truth or falsity of the  
28 allegations contained therein and, therefore, deny the same.  
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1           36. In answering the allegations in Paragraph 36 of Plaintiffs' Complaint, Clark County  
2 Defendants are without sufficient information to form a belief as to the truth or falsity of the  
3 allegations contained therein and, therefore, deny the same.  
4

5           37. In answering the allegations in Paragraph 37 of Plaintiffs' Complaint, Clark County  
6 Defendants are without sufficient information to form a belief as to the truth or falsity of the  
7 allegations contained therein and, therefore, deny the same.  
8

9           38. In answering the allegations in Paragraph 38 of Plaintiffs' Complaint, Clark County  
10 Defendants are without sufficient information to form a belief as to the truth or falsity of the  
11 allegations contained therein and, therefore, deny the same.  
12

13           39. In answering the allegations in Paragraph 39 of Plaintiffs' Complaint, Clark County  
14 Defendants are without sufficient information to form a belief as to the truth or falsity of the  
15 allegations contained therein and, therefore, deny the same.  
16

17           40. In answering the allegations in Paragraph 40 of Plaintiffs' Complaint, Clark County  
18 Defendants are without sufficient information to form a belief as to the truth or falsity of the  
19 allegations contained therein and, therefore, deny the same.  
20

21           41. In answering the allegations in Paragraph 41 of Plaintiffs' Complaint, Clark County  
22 Defendants are without sufficient information to form a belief as to the truth or falsity of the  
23 allegations contained therein and, therefore, deny the same.  
24

25           42. In answering the allegations in Paragraph 42 of Plaintiffs' Complaint, Clark County  
26 Defendants are without sufficient information to form a belief as to the truth or falsity of the  
27 allegations contained therein and, therefore, deny the same.  
28

29           43. In answering the allegations in Paragraph 43 of Plaintiffs' Complaint, Clark County  
Defendants are without sufficient information to form a belief as to the truth or falsity of

1 the allegations contained therein and, therefore, deny the same.

2 44. In answering the allegations in Paragraph 44 of Plaintiffs' Complaint, Clark County  
3 Defendants are without sufficient information to form a belief as to the truth or falsity of the  
4 allegations contained therein and, therefore, deny the same.  
5

6 45. In answering the allegations in Paragraph 45 of Plaintiffs' Complaint, Clark County  
7 Defendants are without sufficient information to form a belief as to the truth or falsity of the  
8 allegations contained therein and, therefore, deny the same.  
9

10 46. In answering the allegations in Paragraph 46 of Plaintiffs' Complaint, Clark County  
11 Defendants are without sufficient information to form a belief as to the truth or falsity of the  
12 allegations contained therein and, therefore, deny the same.

13 47. In answering the allegations in Paragraph 47 of Plaintiffs' Complaint, Clark County  
14 Defendants are without sufficient information to form a belief as to the truth or falsity of the  
15 allegations contained therein and, therefore, deny the same.  
16

17 48. In answering the allegations in Paragraph 48 of Plaintiffs' Complaint, Clark County  
18 Defendants are without sufficient information to form a belief as to the truth or falsity of the  
19 allegations contained therein and, therefore, deny the same.  
20

21 49. In answering the allegations in Paragraph 49 of Plaintiffs' Complaint, Clark County  
22 Defendants are without sufficient information to form a belief as to the truth or falsity of the  
23 allegations contained therein and, therefore, deny the same.  
24

25 50. In answering the allegations in Paragraph 50 of Plaintiffs' Complaint, Clark County  
26 Defendants are without sufficient information to form a belief as to the truth or falsity of the  
27 allegations contained therein and, therefore, deny the same.

28 51. In answering the allegations in Paragraph 51 of Plaintiffs' Complaint, Clark County  
29

1 Defendants are without sufficient information to form a belief as to the truth or falsity of the  
2 allegations contained therein and, therefore, deny the same.

3 52. In answering the allegations in Paragraph 52 of Plaintiffs' Complaint, Clark County  
4 Defendants are without sufficient information to form a belief as to the truth or falsity of the  
5 allegations contained therein and, therefore, deny the same.

6 53. In answering the allegations in Paragraph 53 of Plaintiffs' Complaint, Clark County  
7 Defendants are without sufficient information to form a belief as to the truth or falsity of the  
8 allegations contained therein and, therefore, deny the same.

9 54. In answering the allegations in Paragraph 54 of Plaintiffs' Complaint, Clark County  
10 Defendants are without sufficient information to form a belief as to the truth or falsity of the  
11 allegations contained therein and, therefore, deny the same.

12 55. In answering the allegations in Paragraph 55 of Plaintiffs' Complaint, Clark County  
13 Defendants are without sufficient information to form a belief as to the truth or falsity of the  
14 allegations contained therein and, therefore, deny the same.

15 56. In answering the allegations in Paragraph 56 of Plaintiffs' Complaint, Clark County  
16 Defendants are without sufficient information to form a belief as to the truth or falsity of the  
17 allegations contained therein and, therefore, deny the same.

18 57. In answering the allegations in Paragraph 57 of Plaintiffs' Complaint, Clark County  
19 Defendants are without sufficient information to form a belief as to the truth or falsity of the  
20 allegations contained therein and, therefore, deny the same.

21 **C. Statement of Facts Relating to Lawrence Hartford.**

22 58. In answering the allegations in Paragraph 58 of Plaintiffs' Complaint, Clark County  
23 Defendants incorporate their responses and denials as set forth above.  
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1           59. In answering the allegations in Paragraph 59 of Plaintiffs' Complaint, Clark County  
2 Defendants are without sufficient information to form a belief as to the truth or falsity of the  
3 allegations contained therein and, therefore, deny the same.

4           60. In answering the allegations in Paragraph 60 of Plaintiffs' Complaint, Clark County  
5 Defendants are without sufficient information to form a belief as to the truth or falsity of the  
6 allegations contained therein and, therefore, deny the same.

7           61. In answering the allegations in Paragraph 61 of Plaintiffs' Complaint, Clark County  
8 Defendants are without sufficient information to form a belief as to the truth or falsity of the  
9 allegations contained therein and, therefore, deny the same.

10           62. In answering the allegations in Paragraph 62 of Plaintiffs' Complaint, Clark County  
11 Defendants are without sufficient information to form a belief as to the truth or falsity of the  
12 allegations contained therein and, therefore, deny the same.

13           63. In answering the allegations in Paragraph 63 of Plaintiffs' Complaint, Clark County  
14 Defendants are without sufficient information to form a belief as to the truth or falsity of the  
15 allegations contained therein and, therefore, deny the same.

16           64. In answering the allegations in Paragraph 64 of Plaintiffs' Complaint, Clark County  
17 Defendants deny that they have taken any steps to cause Plaintiff Hartford to fear prosecution.  
18 Clark County Defendants are without sufficient information to form a belief as to the truth or  
19 falsity of the remaining allegations contained in Paragraph 64 and, therefore, deny the same.

20           **D. Statement of Facts Relating to Douglas Mitchell.**

21           65. In answering the allegations in Paragraph 65 of Plaintiffs' Complaint, Clark County  
22 Defendants incorporate their responses and denials as set forth above.

23           66. In answering the allegations in Paragraph 66 of Plaintiffs' Complaint, Clark County  
24

1 Defendants are without sufficient information to form a belief as to the truth or falsity of the  
 2 allegations contained therein and, therefore, deny the same.

3 67. In answering the allegations in Paragraph 67 of Plaintiffs' Complaint, Clark County  
 4 Defendants are without sufficient information to form a belief as to the truth or falsity of the  
 5 allegations contained therein and, therefore, deny the same.

6 68. In answering the allegations in Paragraph 68 of Plaintiffs' Complaint, Clark County  
 7 Defendants are without sufficient information to form a belief as to the truth or falsity of the  
 8 allegations contained therein and, therefore, deny the same.

9 69. In answering the allegations in Paragraph 69 of Plaintiffs' Complaint, Clark County  
 10 Defendants are without sufficient information to form a belief as to the truth or falsity of the  
 11 allegations contained therein and, therefore, deny the same.

12 70. In answering the allegations in Paragraph 70 of Plaintiffs' Complaint, Clark County  
 13 Defendants deny that they have taken any steps to cause Plaintiff Mitchell to fear prosecution.  
 14 Clark County Defendants are without sufficient information to form a belief as to the truth or  
 15 falsity of the remaining allegations contained in Paragraph 70 and, therefore, deny the same.

16 **E. Statement of Facts Relating to Brett Bass.**

17 71. In answering the allegations in Paragraph 71 of Plaintiffs' Complaint, Clark County  
 18 Defendants incorporate their responses and denials as set forth above.

19 72. In answering the allegations in Paragraph 72 of Plaintiffs' Complaint, Clark County  
 20 Defendants are without sufficient information to form a belief as to the truth or falsity of the  
 21 allegations contained therein and, therefore, deny the same.

22 73. In answering the allegations in Paragraph 73 of Plaintiffs' Complaint, Clark County  
 23 Defendants are without sufficient information to form a belief as to the truth or falsity of

1 the allegations contained therein and, therefore, deny the same.

2 74. In answering the allegations in Paragraph 74 of Plaintiffs' Complaint, Clark County  
3 Defendants are without sufficient information to form a belief as to the truth or falsity of the  
4 allegations contained therein and, therefore, deny the same.  
5

6 75. In answering the allegations in Paragraph 75 of Plaintiffs' Complaint, Clark County  
7 Defendants are without sufficient information to form a belief as to the truth or falsity of the  
8 allegations contained therein and, therefore, deny the same.  
9

10 76. In answering the allegations in Paragraph 76 of Plaintiffs' Complaint, Clark County  
11 Defendants are without sufficient information to form a belief as to the truth or falsity of the  
12 allegations contained therein and, therefore, deny the same.  
13

14 77. In answering the allegations in Paragraph 77 of Plaintiffs' Complaint, Clark County  
15 Defendants deny that they have taken any steps to cause Plaintiff Bass to fear prosecution. Clark  
16 County Defendants are without sufficient information to form a belief as to the truth or falsity of  
17 the remaining allegations contained in Paragraph 77 and, therefore, deny the same.  
18

19 **F. Statement of Facts Relating to Sporting Systems Vancouver, Inc.**

20 78. In answering the allegations in Paragraph 78 of Plaintiffs' Complaint, Clark County  
21 Defendants incorporate their responses and denials as set forth above.  
22

23 79. In answering the allegations in Paragraph 79 of Plaintiffs' Complaint, Clark County  
24 Defendants are without sufficient information to form a belief as to the truth or falsity of the  
25 allegations contained therein and, therefore, deny the same.  
26

27 80. In answering the allegations in Paragraph 80 of Plaintiffs' Complaint, Clark County  
28 Defendants are without sufficient information to form a belief as to the truth or falsity of the  
29 allegations contained therein and, therefore, deny the same.

81. In answering the allegations in Paragraph 81 of Plaintiffs' Complaint, Clark County Defendants without sufficient information to form a belief as to the truth or falsity of the allegations contained therein and, therefore, deny the same.

82. In answering the allegations in Paragraph 82 of Plaintiffs' Complaint, Clark County Defendants deny that they have taken any steps to cause Plaintiff Sporting Systems Vancouver, Inc. to fear prosecution. Clark County Defendants are without sufficient information to form a belief as to the truth or falsity of the remaining allegations contained in Paragraph 82 and, therefore, deny the same.

## V. CAUSE OF ACTION

### **A. Count One: 42. U.S.C § 1983 & *Ex Parte Young*, 29 U.S. 123 (1908)- Deprivation of Plaintiffs' Rights under the Second and Fourteenth Amendment of the United States Constitution.**

83. In answering the allegations in Paragraph 83 of Plaintiffs' Complaint, Clark County Defendants incorporate their responses and denials as set forth above.

84. In answering the allegations in Paragraph 84 of Plaintiffs' Complaint, Clark County Defendants admit that the Second Amendment to the United States Constitution speaks for itself.

85. In answering the allegations in Paragraph 85 of Plaintiffs' Complaint, Clark County Defendants admit.

86. In answering the allegations in Paragraph 86 of Plaintiffs' Complaint, the allegations in this paragraph consist of legal conclusions to which no response is required. To the extent any response is required, Clark County Defendants deny.

87. In answering the allegations in Paragraph 87 of Plaintiffs' Complaint, the allegations in this paragraph consist of legal conclusions to which no response is required. To the extent they may be deemed allegations of fact, Clark County Defendants deny the allegations of Paragraph

1 87.

2 88. In answering the allegations in Paragraph 88 of Plaintiffs' Complaint, the allegations  
3 in this paragraph consist of legal conclusions to which no response is required. Statements of law  
4 and their application and relevance to this case will ultimately be determined by the Court. To  
5 the extent any response is required, Clark County Defendants deny.

7 89. In answering the allegations in Paragraph 89 of Plaintiffs' Complaint, the allegations  
8 in this paragraph consist of legal conclusions to which no response is required. Statements of law  
9 and their application and relevance to this case will ultimately be determined by the Court. To  
10 the extent any response is required, Clark County Defendants deny.

12 90. In answering the allegations in Paragraph 90 of Plaintiffs' Complaint, Clark County  
13 Defendants are without sufficient information as to the truth or falsity of the allegations  
14 contained in Paragraph 90 and, therefore, deny the same.

16 91. In answering the allegations in Paragraph 91 of Plaintiffs' Complaint, the allegations  
17 in this paragraph consist of legal conclusions to which no response is required. Statements of law  
18 and their application and relevance to this case will ultimately be determined by the Court. To  
19 the extent any response is required, Clark County Defendants deny.

21 92. In answering the allegations in Paragraph 92 of Plaintiffs' Complaint, the allegations  
22 in this paragraph consist of legal conclusions to which no response is required. Statements of law  
23 and their application and relevance to this case will ultimately be determined by the Court. To  
24 the extent any response is required, Clark County Defendants deny.

## 26 **VI. PRAYER FOR RELIEF**

27 Answering paragraphs 1 through 92 of Plaintiffs' Complaint, Clark County Defendants  
28 deny Plaintiffs are entitled to any relief as to, or damages from, Clark County Defendants.



Accordingly, Plaintiffs' prayer for relief is denied in all respects, as are the facts by which Plaintiffs claim entitlement to same. The Court has dismissed Plaintiffs claims under 42 U.S.C. § 1983 and 42 U.S.C. § 1988. As to any allegations in Plaintiffs' Complaint not expressly admitted or denied, Clark County Defendants deny the same.

## VII. AFFIRMATIVE DEFENSES

Having fully answered Plaintiffs' Complaint, Clark County Defendants assert that discovery and investigation may reveal that any one or more of the following affirmative defenses is available to them in this matter. Clark County Defendants therefore assert the following affirmative defenses in order to preserve the right to assert them. If the facts warrant, Clark County Defendants may withdraw any of these affirmative defenses. Clark County Defendants reserve the right to amend this Answer to assert additional defenses, cross claims, and counterclaims.

1. Plaintiffs have failed to state a claim upon which relief may be granted.

2. Plaintiffs lack standing to sue individually and/or on behalf of others.

3. Plaintiffs' claims are not ripe.

4. To the extent Plaintiffs are attempting to bring a claim for monetary damages, costs or attorney's fees, Clark County Defendants may be immune from suit or judgment pursuant to the following doctrines: public duty doctrine, qualified immunity, prosecutorial immunity, and absolute immunity.

5. To the extent Clark County Defendants have undertaken conduct regarding subjects and events underlying Plaintiffs' Complaint, such conduct was, at all times material thereto, undertaken in good faith and in reasonable reliance on existing law. Clark County Defendants have no authority to enact law and took no part in the enactment of SHB 1240.

Clark County Defendants reserve the right to assert additional defenses and affirmative defenses as established by the facts of this case. Clark County Defendants also adopt and incorporate by reference and all other defenses asserted by any other defendant in this matter to the extent Clark County Defendants may share in such defense.

### VIII. PRAYER FOR RELIEF

WHEREFORE, Clark County Defendants respectfully request that the Court grant the following relief:

1. That Plaintiffs' Complaint be dismissed with prejudice and without an award of any relief of any kind whatsoever, in favor of Clark County Defendants.
2. That Clark County Defendants recover their costs and attorneys' fees incurred herein to the maximum extent permitted by law.
3. Award Clark County Defendants such other relief as the Court deems just and equitable.

I hereby certify, per LCR 7 that this document is 5085 words in length.

DATED this 8th day of August, 2023.

*s/ Leslie A. Lopez*

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*Attorneys for Defendants John Horch & Tony Golik*

**CERTIFICATE OF SERVICE**

I, Sheryl L. Thrasher, hereby certify that on August 8, 2023, I electronically filed the foregoing document with the Clerk of the Court using the Court's CM/ECF system which will serve a copy of such filing to the following:

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*American Firearms Association*

Dated August 8, 2023.

*s/ Sheryl L. Thrasher*  
Sheryl L. Thrasher, Legal Assistant